

**REMARKS/ARGUMENTS**

1. Rejection of claims 1-3, 12, 13, and 15 under 35 U.S.C. 102(e):

Claims 1-3, 12, 13, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Chou et al. (US 7,016,277).

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**Response:**

Independent claims 1 and 12 have been amended to overcome these claim rejections. Claims 1 and 12 now each recite that the clock generator and clock generating method are applied to a DVD optical drive. Chou does not disclose a clock generator or clock generating method applied to a DVD optical drive. Instead, Chou only discloses in column 1, line 25 and in column 6, line 46 that the optical storage device is a CD-RW drive.

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As a result, Chou does not anticipate each and every limitation contained in independent claims 1 and 12, and can no longer be used in a 35 U.S.C. 102(e) rejection. Regarding a potential 35 U.S.C. 103(a) rejection involving the Chou reference, the applicant would like to point out that Chou and the instant application were commonly owned by VIA Technologies, Inc. at the time that the invention of the instant application was made. The instant application has been assigned to VIA Optical Solution, Inc., which is a subsidiary of VIA Technologies. Therefore, according to 35 U.S.C. 103(c), the Chou reference is disqualified from being used in a 103(a)/102(e) rejection of the claims of the instant application. In light of the common ownership of Chou and the invention of the instant application, reconsideration of claims 1-3, 12, 13, and 15 is respectfully requested.

2. Rejection of claims 6-9, 11, 14, and 16-20 under 35 U.S.C. 103(a):

Claims 6-9, 11, 14, and 16-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Chou et al. (US 7,016,277).

**Response:**

5            Claims 6-9, 11, 14, and 16-20 are dependent on claims 1 and 12, and should be  
allowed if their respective base claims are allowed. Reconsideration of claims 6-9,  
11, 14, and 16-20 is therefore respectfully requested.

3. Rejection of claims 4 and 10 under 35 U.S.C. 103(a):

10            Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
Chou et al. (US 7,016,277) in view of Okamoto et al. (US 6,587,417).

**Response:**

15            Claims 4 and 10 are dependent on claims 1 and 12, and should be allowed if  
their respective base claims are allowed. Reconsideration of claims 4 and 10 is  
therefore respectfully requested.

4. Rejection of claim 5 under 35 U.S.C. 103(a):

20            Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chou et  
al. (US 7,016,277) in view of Hsu et al. (US 6,754,147).

**Response:**

            Claim 5 is dependent on claim 1, and should be allowed if claim 1 is allowed.  
Reconsideration of claim 5 is therefore respectfully requested.

25            In view of the claim amendments and the above arguments in favor of patentability,  
the applicant respectfully requests that a timely Notice of Allowance be issued in this  
case.

Appl. No. 10/709,004  
Amdt. dated August 09, 2007  
Reply to Office action of May 23, 2007

Sincerely yours,

Winston Hsu

Date: 08.09.2007

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- 10 Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 12 hours behind the Taiwan time, i.e. 9 AM in D.C. = 9 PM in Taiwan.)